

MEMORANDUM

TO: LATOYA D. JORDAN

FROM: J. MARVIN MONTGOMERY, ATTORNEY AT LAW
ON BEHALF OF IECI & ASSOCIATES, LLC

DATE: JUNE 21, 2021

RE: ETHICS OPINION REQUEST #2021-178

Ethics Opinion Request #2021-178 asks if IECI & Associates, LLC d/b/a IECI (IECI) may, under the Louisiana Code of Governmental Ethics, (R.S. 42:1101 et seq.), contract with building code inspectors employed in Jefferson or Orleans Parishes for such individuals to perform building code inspections for IECI in municipalities and in parishes other than the one an individual is employed by.

The ethics opinion request has been assigned to Ms. LaToya D. Jordan, a staff attorney for the Board of Ethics. Ms. Jordan has asked the following questions.

1. When you file inspection reports for your clients, what, generally, is the purpose of the filing? It was my understanding that those reports you file in parishes are for those inspections on file to provide notice of the inspections for third parties. Am I correct? Does the parish just accept them as a purely ministerial function? Or is there another purpose?

2. Do you have any specific individuals in mind or this purely hypothetical?

ANSWER TO QUESTION 1

Certified third-party providers, such as my client, IECI, who perform construction code inspections for contractors and homeowners do so under a contract between the contractor or homeowner and the third-party provider, as authorized by R.S. 40:1730.24(B) of the state's Uniform Construction Code Law (UCCL), [La. R.S. 40:1730.21 et.seq], The UCCL does not require third-party providers doing

inspections for contractors or homeowners to file inspection reports with a municipality or parish. Likewise, the UCCL does not authorize a parish or municipality to either approve or reject any such inspection reports. So, yes, I say that a municipality or parish accepts the inspection reports as a purely ministerial function, much like a clerk of court accepting acts of conveyance or mortgage.

Therefore, the general purpose of IECI filing an inspection report with a municipality or parish is to provide the municipality or parish and any other interested third party, with the results of the inspection so that any such party may act accordingly.

ANSWER TO QUESTION 2

No, this is not a hypothetical question. Yes, there are specific individuals who have expressed an interest in performing inspections in municipalities or parishes when off duty from the municipality or parish that they work for. IECI and these individuals know that the individuals cannot perform inspections for IECI in the municipality or parish that currently employs them.

J. Marvin Montgomery

J. MARVIN MONTGOMERY, (LSBA #08169)

Address: 151 Antill Drive, Thibodaux, LA 70301

Telephone: (225) 931-5860

Email: jmarvinm@gmail.com

(not designated for receipt of electronic service)